

## The Honorable James L. Robart

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

MICROSOFT CORPORATION, a Washington corporation,

Plaintiff,

V<sub>1</sub>

MOTOROLA, INC., MOTOROLA  
MOBILITY, INC., and GENERAL  
INSTRUMENT CORPORATION.

#### Defendants.

CASE NO. C10-1823-JLR

SUPPLEMENTAL DECLARATION OF  
NORMAN H. BEAMER IN SUPPORT  
OF DEFENDANTS' REPLY TO  
MICROSOFT'S OPPOSITION TO  
DEFENDANTS' RENEWED MOTION  
TO DISMISS

**NOTED ON MOTION CALENDAR:  
Friday, April 1, 2011**

I, NORMAN H. BEAMER, hereby declare as follows:

1. I am one of the attorneys for Defendants Motorola Solutions, Inc. (formerly Motorola, Inc.), Motorola Mobility, Inc., and General Instrument Corporation in this lawsuit. I make this declaration based on my own personal knowledge.

2. I submit this declaration in support of Defendants' Reply to Microsoft's Opposition to Defendants' Renewed Motion to Dismiss

3. Attached hereto as Exhibit 1 is a true and correct copy of a presentation titled "Fair, Reasonable, and Non-Discriminatory: Some Practical Thoughts About FRAND Licensing Commitments," given by Amy Marasco, General Manager, Standards Strategy, Microsoft Corporation, on March 26, 2009 at Tilburg University, Tilburg Law and Economics Center,

SUPPLEMENTAL DECLARATION OF NORMAN H.  
BEAMER IN SUPPORT OF DEFENDANTS' REPLY TO  
MICROSOFT'S OPPOSITION TO DEFENDANTS' RENEWED  
MOTION TO DISMISS - 1  
CASE NO. C10-1823-JLR

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1 Conference on Patent Reforms, *available at* <http://www.tilburguniversity.edu/research/institutes-and-research-groups/tilec/org/patent/amymarasco.pdf> (last visited Mar. 30, 2011).

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3 4. Attached hereto as Exhibit 2 is a true and correct copy of a presentation titled  
5 “Standards-Setting, IPR Policies and Stakeholder Considerations,” given by Amy Marasco,  
6 General Manager, Standards Strategy, Microsoft Corporation, on December 9, 2009 at the  
7 Japanese Industrial Standards Committee, Symposium on Standardization and International  
8 Intellectual Property: The Functioning of Patent Policies and Pools in the Implementation of  
9 Standards, and How to Handle the Hold-Up Problem, *available at*  
10 [http://www.jisc.go.jp/policy/kenkyuukai/ipr/pdf/S3-3\\_Marasco.pdf](http://www.jisc.go.jp/policy/kenkyuukai/ipr/pdf/S3-3_Marasco.pdf) (last visited Mar. 30, 2011).

11 5. Attached hereto as Exhibit 3 is a true and correct copy of a document titled  
12 “Defendant Motorola, Inc.’s First Amended Answer, Affirmative Defenses, and Counterclaims to  
13 Wi-Lan, Inc.’s Third Amended Complaint,” which was filed with the United States District Court  
14 for the Eastern District of Texas on April 16, 2010, as Document 138, in Civil Action No. 08-cv-  
15 000247-TJW, styled *Wi-Lan, Inc. v. Research in Motion Corp.*

16 6. Attached hereto as Exhibit 4 is a true and correct copy of a document titled  
17 “Second Amended Complaint,” which was filed with the United States District Court for the  
18 District Court of New Jersey on November 2, 2007, as Document 106, in Civil Action No. 05-cv-  
19 3350MLC, styled *Broadcom Corp. v. Qualcomm Inc.*

20 7. Attached hereto as Exhibit 5 is a true and correct copy of Complaint, *In re Rambus*  
21 *Inc.*, FTC Docket No. 9302 (June 18, 2002), *available at*  
22 <http://www.ftc.gov/os/adjpro/d9302/020618admincmp.pdf> (last visited Mar. 31, 2011).

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8. Attached hereto as Exhibit 6 is a true and correct copy of Final Order, *In re Rambus Inc.*, FTC Docket No. 9302 (Feb. 2, 2007), available at <http://www.ftc.gov/os/adjpro/d9302/070205finalorder.pdf> (last visited Mar. 31, 2011).

9. Attached hereto as Exhibit 7 is a true and correct copy of Opinion of the Commission on Remedy, *In re Rambus Inc.*, FTC Docket No. 9302 (Feb. 2, 2007), available at <http://www.ftc.gov/os/adjpro/d9302/070205opinion.pdf> (last visited Mar. 31, 2011). This document contains 169 footnotes, and I have been informed that it contains at least 14,000 words.

10. Attached hereto as Exhibit 8 is a true and correct copy of Opinion of the Commission, *In re Rambus Inc.*, FTC Docket No. 9302 (Aug. 2, 2006), *available at* <http://www.ftc.gov/os/adjpro/d9302/060802commissionopinion.pdf> (last visited Mar. 31, 2011). This document contains 650 footnotes, and I have been informed that it contains at least 55,000 words.

I declare under penalty of the laws of perjury that the foregoing is true and correct.  
Executed this 1st day of April, 2011, at East Palo Alto, California.

Norman H. Beamer

Norman H. Beamer

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this day I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 1st day of April, 2011.

 Marcia A. Ripley

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